

BEFORE THE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Justin S. Everett

v.

FIELDWORKS, LLC

)
)
) EEOC Charge No. 533-2016-01439
)
)

POSITION STATEMENT OF FIELDWORKS, LLC

Respondent FieldWorks, LLC, by and through undersigned counsel, submits the following Position Statement in response to the above-referenced Charge of Discrimination:

FieldWorks, LLC is a District of Columbia limited liability company, which was retained by nonprofit and political organizations to assist in registering persons to vote in Pittsburgh. Among other things, FieldWorks was responsible for hiring, training, deploying and supervising canvassers who would go door to door or stand in public places and ask unregistered individuals if they wanted to register to vote; and if they did, provide them with an official voter registration form and instructions for completing it. Those forms were to be turned in by the canvasser to FieldWorks' field office in Pittsburgh. FieldWorks entered information from the forms into a database in order to ensure compliance with applicable laws and ability to track the registrants through the registration process administered by local election officials. In addition, data entry staff examined the applications to ensure they were not fraudulent. FieldWorks hired data entry staff in a separate office to do this data entry. The data entry office was in Philadelphia and the staff had no contact with canvassers or team leaders in the Pittsburgh office.

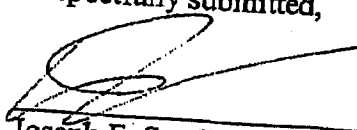
The charging party, Justin Everett, was hired as a team leader in the Pittsburgh office in May 2016 and was terminated in September 2016. His main responsibility was to collect voter registration applications from unregistered individuals. His secondary responsibility was to manage teams of other canvassers. Laura Barkley was one of the office directors of that office beginning in September. Attached is a Declaration from Ms. Barkley, stating that Mr. Everett was terminated because the data entry staff discovered that he was submitting fraudulent applications and she was instructed to terminate him. Ms. Barkley's Declaration also states that all of the team leaders in the Pittsburgh office at the time Mr. Everett was terminated were African American. In addition, the majority of the team leaders were male.

FieldWorks has absolutely no record of any communication by Mr. Everett with any FieldWorks management or supervisory personnel, at any time, regarding the alleged acts of discrimination or, for that matter, any other aspect of Mr. Everett's employment or working conditions.

For these reasons, to the best of FieldWorks' information and knowledge, the allegations set forth in the Charge are absolutely false and the charge is baseless and without merit. The charge should be dismissed.

If the Commission has any questions or needs any further information, please contact the undersigned.

Respectfully submitted,



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Dated: March 3, 2017

Attorneys for FieldWorks, LLC

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v.)

FIELDWORKS, LLC)

) EEOC Charge No. 533-2016-01439

DECLARATION OF LAURA BARKLEY

I, Laura Barkley, hereby declare:

1. I was an office director of the Pittsburgh, Pennsylvania office of Respondent FieldWorks, LLC during the period from August 25 to October 10, 2016. I have first-hand knowledge of the facts set forth herein and if called as a witness, could testify competently thereto.
2. Our office conducted voter registration drives for client organizations. In addition to employing workers to register new voters, FieldWorks employed persons to work in the office to record and check the information on voter registration forms, to ensure compliance with all applicable laws and to ensure that applications were not fraudulent.
3. Justin Everett was employed as a team leader at the Pittsburgh office for part of the time period during which I served as one of the office directors.
4. FieldWorks's data entry team notified me that Mr. Everett had submitted fraudulent voter registration applicants and instructed me to terminate his employment.
5. At no time did Mr. Everett ever complain about any discriminatory treatment, to me or, to my knowledge, to any supervisor or management personnel at FieldWorks. At no time did Mr. Everett ever complain to me about her working conditions or situation.
6. At the time of Mr. Everett's termination, the majority of the canvassers in the office were African American and all of the team leaders were African American.
7. At the time of Mr. Everett's termination, the majority of the team leaders were male.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26 day of February, 2017 at Cincinnati, OH.



Laura Barkley

JANE ROBERTSON - Four claims of pretext involved here. Justin Everett

From: "J.E. Entertainment" <bigman22111@hotmail.com>
To: "jane.robertson@eeoc.gov" <jane.robertson@eeoc.gov>
Date: 4/10/2017 2:39 PM
Subject: Four claims of pretext involved here. Justin Everett

First and foremost i want to claim 100 innocence of me submitting forged documents to Field Works, these allegations are totally false and absolutely frivolous. First of all my ave at fieldwork's was around 18.2 -20.2 cards per shift i had approximately over or close to 2,000 people registered to vote within the city of Pittsburgh Pa. i was the best employee in the office who had the highest numbers in the office came to work everyday and did my job at the highest level, i was fieldwork's best employee in the Pittsburgh region, I gave my best effort.

There are four definite factors of legal pretext that are involved here, Zachary Reider offered me a promotion for regional manager 2 weeks approximately before Laura Barkley came to the Pittsburgh Office, i can provide you those dates specifically in another e-mail. This should raise a red flag of the false voter registration cards allegation are totally false and which adds another insult to my work-ethic and work performance. Laura Barley was fully aware of my status of within the company and was looking for any reason to terminate me from fieldwork's The offed of a promotion or pay increase by Zachary Reider should raise a red-flag before my termination, Laura Barkley was aware of such and i was let go without justifiable cause.

2) The second proof of pretext is lack of specificity, I was not made aware or did not know what i was being or when I was being fired or what i was being fired for these issues were never made aware to me, She was never specific.

3). The third proof of pretext is there is a lack of written documentation for the false voter registration cards which she is allegedly saying i did. there is no proof i have done so whatsoever at any time this was shown to me. No False voter registration cards were shown to me at any stage of my employment with fieldwork's, i was never shown these documents or files at all no proof none, Laura Barkley needs to provide me written documentation of these cards which she is claiming i forged which i did not, I demand that Fieldwork's provide the cards in which i forged at the time of employment there, i would like to see them.

4) The fourth proof of pretext is unfair testing, they kept workers who were not a good as me and had lower numbers who possibly had as many duplicates but kept them on as employees for Fieldwork's, this is also pretext.

Sincerely,

Justin Everett.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Justin S. Everett
3505 Duquesne Avenue
West Mifflin, PA 15122

From: Pittsburgh Area Office
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

Philadelphia Legal Unit

(215)440-2828

533-2016-01439

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

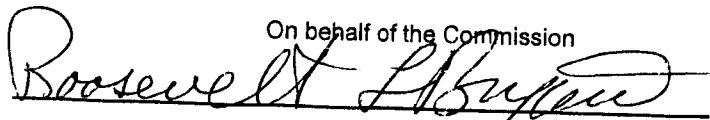
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Roosevelt L. Bryant
Director

8-17-17

(Date Mailed)

Enclosures(s)

cc: Dara Lindenbaum, Esq.
SANDLER REIFF
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Washington, DC 20005